

ASSEMBLY BILL

No. 2444

Introduced by Assembly Member Klehs

February 23, 2006

An act to add Chapter 2.66 (commencing with Section 65089.20) and Chapter 2.67 (commencing with Section 65089.30) to Division 1 of Title 7 of the Government Code, and to add Sections 9250.3 and 9250.4 to the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2444, as introduced, Klehs. Congestion management and motor vehicle environmental mitigation fees.

Existing law provides for the imposition by air districts and other local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles.

This bill would authorize the congestion management agencies in the 9 Bay Area counties, by a $\frac{2}{3}$ vote of all of the members of the governing board, to impose an annual fee of up to \$5 on motor vehicles registered within those counties for a program for the management of traffic congestion. The bill would require a program with performance measures and a budget to be adopted before the fee may be imposed. The bill would require the agency to have an independent audit performed on the program and to submit a report to the Legislature on the program by July 1, 2011. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and distribute the net revenues, after deduction of specified costs, to the agency. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the

owners of motor vehicles paying the fee, and would require the agency to make a specified finding of fact in that regard by a $\frac{2}{3}$ vote.

This bill would also authorize the Metropolitan Transportation Commission, which is the regional transportation planning agency for the 9-county Bay Area, to impose an annual fee of up to \$5 on motor vehicles registered with its jurisdiction for programs that mitigate the impacts of motor vehicles on the environment, including, but not limited to, storm water runoff mitigation projects, water quality improvement projects, and air quality improvement projects. The bill would require a program with performance measures and a budget to be adopted by the Bay Area Air Quality Management District and the California Regional Water Quality Control Board for the San Francisco Bay Region before the fee may be imposed, and would require the fee to be adopted by a $\frac{2}{3}$ vote of all of the commissioners. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and to distribute the net revenues, after deduction of specified costs, to the Bay Area Air Quality Management District and to the California Regional Water Quality Control Board for the San Francisco Bay Region based on a specified formula. The bill would require the recipient agencies to have an independent audit performed on the program and to submit a report to the Legislature on the program by July 1, 2011. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the owners of motor vehicles paying the fee, and would require the commission make a specified finding of fact in that regard by a $\frac{2}{3}$ vote.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 2.66 (commencing with Section
- 2 65089.20) is added to Division 1 of Title 7 of the Government
- 3 Code, to read:

1 CHAPTER 2.66. MANAGEMENT OF TRAFFIC CONGESTION IN
2 THE BAY AREA
3

4 65089.20. (a) As used in this chapter, “county transportation
5 agency” means an agency designated pursuant to Section 66531
6 to develop the county transportation plan.

7 (b) A county transportation agency may impose a fee of up to
8 five dollars (\$5) on motor vehicles registered within the county if
9 the board of the county transportation agency adopts a resolution
10 providing for both the fee and a corresponding program for the
11 management of traffic congestion as set forth in Sections
12 65089.21 to 65089.24, inclusive. Adoption by the board requires
13 a vote of approval by two-thirds of all the members of the board.

14 (c) A fee imposed pursuant to this section shall not become
15 operative until six months after the effective date of this section
16 and pursuant to the resolution adopted by the board in
17 subdivision (b).

18 (d) A county transportation agency may adopt a resolution by
19 a majority vote of the board to cease collection of the fee
20 commencing on a date determined by the county transportation
21 agency in consultation with the Department of Motor Vehicles.

22 65089.21. (a) The net revenues from the fee distributed to the
23 county transportation agency pursuant to Section 9250.3 of the
24 Vehicle Code shall be used for purposes of congestion
25 management consistent with the objectives of Section 65089.

26 (b) (1) The revenues may be used to pay for programs with a
27 relationship or benefit to the owners of motor vehicles that are
28 paying the fee. However, the revenues may not be used for the
29 purposes of new road construction.

30 (2) Prior to imposing the fee, the board of the county
31 transportation agency shall make a finding of fact by two-thirds
32 of all the members of the board of that county transportation
33 agency that those programs bear a relationship or benefit to the
34 motor vehicles that will pay the fee.

35 (c) The purpose of the congestion management program is to
36 address motor vehicle congestion.

37 (d) Not more than 5 percent of the fees distributed to the
38 county transportation agency shall be used by the agency for its
39 administrative costs associated with the program.

1 65089.22. Prior to the imposition of the fee by the county
2 transportation agency, a specific program with performance
3 measures and a budget shall first be developed and adopted by
4 the county transportation agency at a noticed public hearing.

5 65089.23. The county transportation agency shall have an
6 independent audit performed on the specific program adopted
7 pursuant to Section 65089.22 with the review and report
8 provided to the board at a noticed public hearing.

9 65089.24. The county transportation agency shall provide a
10 report to the Legislature on the specific program adopted
11 pursuant to Section 65089.22 by July 1, 2011.

12 SEC. 2. Chapter 2.67 (commencing with Section 65089.30) is
13 added to Division 1 of Title 7 of the Government Code, to read:

14
15 CHAPTER 2.67. ENVIRONMENTAL MITIGATION OF MOTOR
16 VEHICLES IN THE BAY AREA
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18 65089.30. (a) As used in this chapter, “commission” means
19 the Metropolitan Transportation Commission.

20 (b) The commission may impose a fee of up to five dollars
21 (\$5) on motor vehicles registered within the counties in its
22 jurisdiction if the commissioners adopt a resolution providing for
23 both the fee and a corresponding program for the mitigation of
24 the impacts of motor vehicles on the environment submitted to
25 the commission as set forth in Sections 65089.31 to 65089.34,
26 inclusive. Adoption by the commission requires a vote of
27 approval of two-thirds of all the commissioners.

28 (c) A fee imposed pursuant to this section shall not become
29 operative until six months after the effective date of this section
30 and pursuant to the resolution adopted by the commission in
31 subdivision (b).

32 (d) The commission may adopt a resolution by majority vote
33 to cease collection of the fee commencing on a date determined
34 by the commission in consultation with the Department of Motor
35 Vehicles.

36 65089.31. (a) The net revenues available pursuant to Section
37 9250.4 of the Vehicle Code shall be distributed as follows:

38 (1) Fifty percent to the Bay Area Air Quality Management
39 District. Of these revenues, 50 percent shall be expended on

1 projects in the county of origin, as determined by the district, and
2 50 percent shall be expended on regional projects.

3 (2) Fifty percent to the California Regional Water Quality
4 Control Board for the San Francisco Bay Region. Of these
5 revenues, 50 percent shall be expended on projects in the county
6 of origin, as determined by the board, and 50 percent shall be
7 expended on regional projects.

8 (b) (1) The revenues may be used to pay for programs that
9 mitigate the impacts of motor vehicles on the environment,
10 including, but not limited to, storm water runoff mitigation
11 projects, water quality improvement projects, and air quality
12 improvement projects. The programs shall have a relationship or
13 benefit to the owners of motor vehicles that are paying the fee.

14 (2) Prior to the imposition of the fee, the commission shall
15 make a finding of fact by a two-thirds vote of all of the
16 commissioners that those programs bear a relationship or benefit
17 to the motor vehicles that will pay the fee.

18 65089.32. Prior to the imposition of the fee by the
19 commission, a specific program with performance measures and
20 a budget shall first be developed and adopted by the Bay Area
21 Air Quality Management District and the California Regional
22 Water Quality Control Board for the San Francisco Bay Region
23 for the anticipated revenues each agency is expected to receive
24 pursuant to Section 65089.31. The adoption shall occur at a
25 noticed public hearing of each agency. Each agency shall submit
26 the program and budget to the commission.

27 65089.33. The Bay Area Air Quality Management District
28 and the California Regional Water Quality Control Board for the
29 San Francisco Bay Region shall have an independent audit
30 performed on the specific program adopted pursuant to Section
31 65089.32 with the review and report provided to each agency at a
32 noticed public hearing.

33 65089.34. The Bay Area Air Quality Management District
34 and the California Regional Water Quality Control Board for the
35 San Francisco Bay Region shall provide a report to the
36 Legislature on the specific program adopted pursuant to Section
37 65089.32 by July 1, 2011.

38 SEC. 3. Section 9250.3 is added to the Vehicle Code, to read:

39 9250.3. (a) The department shall, if requested by a county
40 transportation agency, collect the fee imposed pursuant to

1 Section 65089.20 of the Government Code upon the registration
2 or renewal of registration of any motor vehicle registered in the
3 county, except those vehicles that are expressly exempted under
4 this code from the payment of registration fees.

5 (b) A county transportation agency shall pay for the initial
6 setup and programming costs identified by the Department of
7 Motor Vehicles through a direct contract with the department.
8 Any direct contract payment by the county transportation agency
9 shall be repaid, with no restriction on the funds, to the county
10 transportation agency as part of the initial revenues distributed.
11 Regular Department of Motor Vehicles collection costs shall be
12 in accordance with subdivision (c). These costs shall not be
13 counted against the 5-percent administration cost limit specified
14 in subdivision (d) of Section 65089.21.

15 (c) After deducting all costs incurred pursuant to this section,
16 the department shall distribute the net revenues to the county
17 transportation agency.

18 (d) As used in this section, “county transportation agency” has
19 the same meaning as in subdivision (a) of Section 65089.20 of
20 the Government Code.

21 SEC. 4. Section 9250.4 is added to the Vehicle Code, to read:

22 9250.4. (a) The department shall, if requested by the
23 Metropolitan Transportation Commission, collect the fee
24 imposed pursuant to Section 65089.30 of the Government Code
25 upon the registration or renewal of registration of any motor
26 vehicle registered in a county within the jurisdiction of the
27 commission, except those vehicles that are expressly exempted
28 under this code from the payment of registration fees.

29 (b) The commission shall pay for the initial setup and
30 programming costs identified by the Department of Motor
31 Vehicles through a direct contract with the department. Any
32 direct contract payment by the commission shall be repaid, with
33 no restriction on the funds, to the commission as part of the
34 initial revenues available for distribution. Regular Department of
35 Motor Vehicles collection costs shall be in accordance with
36 subdivision (c).

1 (c) After deducting all costs incurred pursuant to this section,
2 the department shall distribute the net revenues pursuant to
3 subdivision (a) of Section 65089.31 of the Government Code.

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